

CHILD AND ADULT CARE FOOD PROGRAM (CACFP)

Statewide Termination Procedure for Child and Adult Care Food Program Day Care Homes

Includes
Serious Deficiency Process
Suspension of Participation
Provider Appeal Rights



Connecticut State Department of Education
Policy: Day Care Home Sponsors
Date Issued: 4/92
Date Revised: 7/95 Date Revised (Draft): 1/03
Date Issued: 8/03 (Replacing 1/03 draft)

CONNECTICUT STATE DEPARTMENT OF EDUCATION
OFFICE OF CHILD NUTRITION
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STATEWIDE TERMINATION PROCEDURE

FOR

CHILD AND ADULT CARE FOOD PROGRAM (CACFP)

DAY CARE HOMES

***Includes-Serious Deficiency Process
Suspension of Participation
Provider Appeal Rights***

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INTRODUCTION

In order to participate in the Child and Adult Care Food Program (CACFP), a day care home must operate under the auspices of and enter into a written agreement with an approved sponsoring organization. The agreement must specify the rights and responsibilities of both parties which shall include, but not be limited to, the right of the sponsoring organization to terminate the agreement for cause and the requirement that the day care home comply with the federal regulations governing the program.

Public Law 106-224, the Agricultural Risk Protection Act of 2000 (ARPA), made significant changes to the procedures involved in terminating participation of day care homes (providers) in the CACFP. It gives providers, for the first time, the opportunity to request an administrative review (also referred to as an appeal) prior to termination of their agreement to participate by the sponsoring organization. This administrative review right is only required when the termination is “for cause”. Termination for convenience continues to be permitted, and does not require the sponsoring organization to offer an appeal to the day care provider in these situations.

The change to the statute also requires the establishment of a State-level administrative review process for day care homes or an establishment of the administrative review process by the sponsoring organization. The Connecticut State Department of Education requires that each sponsoring organization establish a review process in which the appeal review official is an impartial and independent person not involved in the decision to terminate the home’s participation.

Sponsoring organizations must follow the procedures for termination including the serious deficiency process, suspension of participation, and provider appeal rights outlined in this document.

TERMINATION OF AGREEMENTS FOR CAUSE

A sponsoring organization (hereafter "sponsor") must initiate action to terminate the agreement of a day care home (hereafter "provider") for cause in the operation of the Child and Adult Care Food Program (hereafter "CACFP") if the sponsor determines the provider has committed one or more serious deficiency listed below. Upon making a serious deficiency determination, if the provider does not take action to fully and permanently correct the serious deficiency within the allotted time, the provider's agreement must be terminated.

List of Serious Deficiencies

1. Submission of false information on the application (sponsor/provider agreement) (7 CFR §226.16(l)(2)(i)).
2. Submission of false claims for reimbursement (7 CFR §226.16(l)(2)(ii)).
3. Simultaneous participation under more than one sponsoring organization (7 CFR §226.16(l)(2)(iii)).
4. Non-compliance with the Program meal pattern (7 CFR §226.16(l)(2)(iv)).
5. Failure to keep required records (7 CFR §226.16(l)(2)(v)).
6. Conduct or conditions that threaten the health or safety of a child(ren) in care, or the public health or safety (7 CFR §226.16(l)(2)(vi)).
7. A determination that the provider has been convicted of any activity that occurred during the past seven years and that indicated a lack of business integrity. A lack of business integrity includes fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity as defined by the State agency, or the concealment of such a conviction. (7 CFR §226.16(l)(2)(vii)).
8. Any other circumstance related to non-performance under the sponsor/provider agreement as specified by the sponsor or the State agency. This may include, but not be limited to, continuous submission of late and/or incomplete claims for reimbursement, failure to comply with civil rights laws, and failure to attend required training (7 CFR §226.16(l)(2)(viii)).

SERIOUS DEFICIENCY PROCESS

If a sponsor identifies conduct that is the basis for declaring a provider seriously deficient in CACFP operation, which may result in termination for cause of an agreement to operate a CACFP home (as outlined on the previous page), the following actions will be taken. If however, the serious deficiency(ies) constitutes an imminent threat to the health and safety of participants, or the provider has engaged in activities that threaten the public health or safety, the sponsor must follow the procedures outlined in *Suspension of Participation for Day Care Homes* section.

Serious Deficiency Notification Procedures

1. The sponsor will thoroughly investigate and document the serious deficiency(ies). This process may include, but not be limited to, parent contact for the verification of information.
2. The sponsor will notify the provider, in writing, that he/she has been found to be seriously deficient (**refer to prototype letter #1-Serious Deficiency Notice**). *The sponsor will provide a copy of the serious deficiency notice to the State agency.*
The notice will include:
 - (a) the serious deficiency(ies);
 - (b) the actions to be taken by the provider to correct the deficiency(ies);
 - (c) the allotted time to correct the serious deficiency(ies). This must be as soon as possible, but not to exceed 30 days;
 - (d) that the serious deficiency determination is not subject to administrative review (appeal);
 - (e) that failure to fully and permanently correct the serious deficiency(ies) within the allotted timeframe will result in the sponsor's proposed termination of the provider's agreement and disqualification of the provider; and
 - (f) that the provider's voluntary termination of its agreement with the sponsor after having been notified that he/she is seriously deficient will still result in the provider's formal termination by the sponsor and placement on the National disqualified list.
3. The sponsor will provide technical assistance as appropriate in the areas identified as serious deficiency(ies). If the provider has failed to attend annual CACFP training, the provider will be required to attend the training sessions presented by the sponsor. On-site training may be provided only in extreme cases.

Successful Corrective Action

4. If the provider corrects the serious deficiency(ies) to the sponsor's satisfaction within the allotted timeframe, the sponsor will notify the provider that the determination of serious deficiency has been rescinded (**refer to prototype letter #2-Successful Corrective Action, Rescission of Serious Deficiency**). *The sponsor will also provide a copy of this notice to the State agency.*

Unsuccessful Corrective Action-Proposed Termination & Proposed Disqualification

5. If the provider fails to implement timely corrective action to fully and permanently correct the serious deficiency(ies) cited, the sponsor will issue a notice proposing to terminate the provider's agreement for cause (**refer to prototype letter #3-Notice of Proposed Termination and Proposed Disqualification**). *The sponsor will provide a copy of this notice to the State agency.*
The notice will:
 - (a) Provide explanation of the provider's opportunity for an administrative review (appeal) of the proposed termination and the procedures to follow to request such appeal.
 - (b) Inform the provider that he/she may continue to participate and receive program reimbursement for eligible meals served until the appeal concludes.
 - (c) Inform the provider that termination of the agreement will result in the day care home's termination for cause and disqualification.
 - (d) State that if the provider seeks to voluntarily terminate the agreement with the sponsor after receiving the Notice of Proposed Termination, the home will still be placed on the National disqualified list.
6. If an administrative review (appeal) is requested, the sponsor will follow the **Administrative Review (Appeal) Procedures** detailed in this document. If the Administrative Review (Appeal) Official overturns the sponsor's proposed actions, formal notification (**refer to prototype letter #4-Rescission of Serious Deficiency, Proposed Termination and Proposed Disqualification**) will be used to rescind the serious deficiency. *The sponsor will provide a copy of this notice to the State agency.*

Agreement Termination & Disqualification

7. The sponsor will immediately terminate the day care home's agreement and disqualify the provider when the Administrative Review (Appeal) Official upholds the sponsor's proposed termination and proposed disqualification. At the same time that the notice of termination and disqualification is issued to the provider (**refer to prototype letter #5-Notice of Termination & Disqualification (after sponsor wins appeal)**), *a copy will also be forwarded to the State agency.*
8. If the provider does not request an administrative review, the sponsor will immediately terminate the provider's agreement and disqualify the home when the opportunity to request the administrative review (appeal) expires. At the same time that the notice of termination and disqualification is issued to the provider (**refer to prototype letter #6-Notice of Termination & Disqualification (following failure to appeal)**), *a copy will also be forwarded to the State Agency.*
9. The State agency (Department of Education-Office of Child Nutrition) will report the name of the terminated and disqualified provider to the federal government placing his/her name on the National Disqualified List.

Program Payments During Serious Deficiency Process

The sponsor will continue to pay any claims for reimbursement for eligible meals served until the serious deficiency(ies) is corrected or the day care home's agreement is terminated, including the period of any administrative review (appeal).

SUSPENSION OF PARTICIPATION

Suspension of provider's participation in the CACFP will occur if the serious deficiency(ies) constitutes an imminent threat to the health and safety of participants, or the provider has engaged in activities that threaten the public health or safety. Imminent threat to health or safety constitutes serious deficiencies, however, the sponsor will use the procedures in this section to provide notice of suspension and proposed termination to the provider.

1. If the State or local health or licensing officials have cited a provider for serious health or safety violations, the sponsor will immediately suspend the provider's CACFP participation **prior** to any formal action by the Department of Public Health to revoke the home's license.
2. If the sponsor determines that there is an imminent threat to the health or safety of participants at the day care home, or that the provider has engaged in activities that threaten the public health or safety, the sponsor must **immediately** notify the Department of Public Health and take action that is consistent with their recommendations and requirements.

Notice of Suspension, Serious Deficiency & Proposed Termination Procedures

3. The sponsor will notify the provider that his/her participation has been suspended, that the provider has been determined seriously deficient, and that the sponsor proposes to terminate the provider's agreement for cause (**refer to prototype letter #7-Combined Serious Deficiency, Suspension, Proposed Termination and Proposed Disqualification Notice**). *The sponsor will provide a copy of the notice to the State agency.*
The notice will:
 - (a) Specify the serious deficiency(ies) found and the provider's opportunity for an administrative review (appeal) of the proposed termination, and the procedures to follow to request such appeal.
 - (b) State that participation (including all Program payments) will remain suspended until the administrative review (appeal) concludes.
 - (c) Inform the provider that if the Administrative Review (Appeal) Official overturns the suspension, the provider may claim reimbursement for eligible meals served during the suspension.
 - (d) Inform the provider that termination of the home's agreement will result in placement of the home on the National disqualified list.
 - (e) State that if the provider seeks to voluntarily terminate the agreement after receiving the notice of proposed termination, the home will still be terminated for cause and disqualified.
4. If an administrative review (appeal) is requested, the sponsor will follow the **Administrative Review (Appeal) Procedures** detailed in this document. If the Administrative Review (Appeal) Official overturns the sponsor's proposed actions, formal notification (**refer to prototype letter #8-Rescission of Serious Deficiency, Suspension, Proposed Termination and Proposed Disqualification (after provider wins appeal)**), will be used to rescind the serious deficiency. *The sponsor will provide a copy of this notice to the State agency.*

Agreement Termination and Disqualification

5. The sponsor will immediately terminate the day care home's agreement and disqualify the home when the Administrative Review (Appeal) Official upholds the sponsor's proposed termination and proposed disqualification. At the same time that the notice of termination and disqualification is issued to the home (**refer to prototype letter #9-Notice of Termination & Disqualification (after sponsor wins appeal)**), *a copy will also be forwarded to the State agency.*
6. If the provider does not request an administrative review (appeal), the sponsor will immediately terminate the provider's agreement and disqualify the home when the opportunity to request the administrative review (appeal) expires. At the same time that the notice of termination and disqualification is issued to the home (**refer to prototype letter #10-Notice of Termination & Disqualification (following failure to appeal)**), *a copy will also be forwarded to the State agency.*
7. The State agency (Department of Education-Office of Child Nutrition) will report the name of the terminated and disqualified provider to the federal government placing his/her name on the National Disqualified List.

Program Payments During Suspension

A sponsor is prohibited from making program payments to a provider who has been suspended until any administrative review (appeal) of the proposed termination is completed. If the suspended provider prevails in the appeal, the sponsor will reimburse him/her for eligible meals served during the suspension period.

PLACEMENT ON THE NATIONAL DISQUALIFIED LIST &
CONDITIONS OF REINSTATEMENT

Providers terminated and disqualified through the *Serious Deficiency* and *Suspension of Participation* processes, will be placed on the National Disqualified List. While on the list, the provider will not be able to participate in the CACFP as a day care home provider. In addition, he/she will not be able to serve as a principal (hold a management position or be an officer) in any CACFP institution or facility.

The provider will remain on the list until such time as the Connecticut State Department of Education, Office of Child Nutrition, determines that:

- a. the conduct that was the basis for the serious deficiencies has been permanently corrected;
- or**
- b. it had been 7 years from the date of termination and disqualification;
- and**
- c. the provider had repaid all funds received for which he/she was not eligible.
If any debt relating to the serious deficiencies has not been repaid, the provider will remain on the list until the debt has been repaid.

The State Department of Education and sponsors will be able to access the National Disqualified List. Each sponsor will continually check the list when entering into agreement with a provider since sponsors are prohibited from entering into an agreement with any provider who have been terminated and disqualified and subsequently placed on the National Disqualified List.

ADMINISTRATIVE REVIEW (APPEAL) PROCEDURES

The Connecticut State Department of Education requires that each sponsoring organization establish an administrative review (appeal) process in which the appeal review official is an impartial and independent person not involved in the decision to terminate the provider's participation.

Actions Subject to Administrative Reviews (Appeals)

The following appeal procedures established in accordance with Section 226.6, 226.16 and 226.18 of the Child and Adult Care Food Program regulations, as amended by Public Law 106-224, shall be implemented and will be offered by the sponsor to any provider when (1) the sponsor proposes to terminate its program agreement for cause or (2) a suspension of their participation.

Actions Not Subject to Administrative Reviews (Appeals)

Neither the State agency nor the sponsor is required to offer an administrative review for reasons other than those listed above.

Providing the Administrative Review (Appeal) Procedure to Providers

The sponsor will provide a copy of the administrative review procedures to each provider:

- (i) annually;
- (ii) to a provider when the sponsor takes any action subject to an administrative review (appeal) as detailed above; and
- (iii) any other time upon request.

Procedures

The sponsor will follow these procedures in response to a request for an administrative review (appeal) of any action subject to administrative review (appeal) described above.

Note:

- (i) ***Uniformity***: The same procedures must apply to all providers.
- (ii) ***Representation***: The provider may retain legal council, or may be represented by another person.
- (iii) ***Review of Record & Opposition***: The provider may review the record on which the decision was based and refute the action in writing. The Administrative Review (Appeal) Official is not required to hold a hearing.
- (iv) ***Administrative Review Official***: The Administrative Review Official must be independent and impartial. This means that although the review official may be an employee or board member of the sponsoring organization, he/she must not have been involved in the action that is the subject of the administrative review or have direct personal or financial interest in the outcome of the review.

1. The provider will be advised in writing of the grounds on which the sponsor based the Notice of Proposed Termination or the Suspension Notice. The Notice, which will be sent by certified mail, return receipt requested, will include the information detailed under the *Serious Deficiency Process* and the *Suspension of Participation* sections of this document.
2. A written request for administrative review (appeal) may be filed by the provider within 15 calendar days from the date the he/she received the Notice of Proposed Termination or Notice of Suspension. The provider may retain legal counsel or may be represented by another person. The sponsor will acknowledge the receipt of the request for administrative review (appeal) within 10 calendar days of receipt of the written request.
3. Any information on which the sponsoring organization's action was based will be available to the provider for inspection from the date of receipt of the request for administrative review (appeal).
4. The provider may refute the charges contained in the Notice of Proposed Termination or Suspension Notice in person or by written documentation to the Administrative Review (Appeal) Official. In order to be considered, written documentation must be filed with the review official within 30 calendar days after the provider received the Notice.
5. If the provider requests a hearing, it will be held by the Administrative Review (Appeal) Official in addition to, or in lieu of, a review of written information submitted by the provider. The sponsoring organization will inform the provider of the time and place of the hearing at least 10 calendar days prior to the hearing. The notice will be sent by certified mail.
6. Failure of a provider or representative to appear at a scheduled hearing will constitute the provider's waiver of the right to a personal appearance before the Administrative Review (Appeal) Official, unless the review official agrees to reschedule the hearing. A representative of the sponsoring organization will be a party to the administrative review to respond to the provider's testimony, present evidence, and to answer questions posed by the Administrative Review (Appeal) Official.
7. The review official will make a determination based on information provided by the sponsoring organization, the provider, and on Federal and State laws, regulations, policies, and procedures governing the Program.
8. Within 60 calendar days of the sponsoring organization's receipt of the request for administrative review (appeal), the Administrative Review (Appeal) Official will provide written notice to the sponsoring organization, the provider, and the Connecticut State Department of Education, Office of Child Nutrition of the determination of the review. This timeframe is an administrative requirement for the sponsor and may not be used as a basis for overturning the termination if a decision is not made within the specified timeframe.
9. Participating providers may continue to operate under the Program during an appeal of the Proposed Termination unless the action is based on imminent dangers to the health or welfare of children or when the provider's activities pose a threat to public health or safety. If the

proposed termination action is for this reason, the sponsoring organization will so specify in its Notice of Intent to Terminate. Program payments will continue for claims (except for health and safety issues previously noted) supported by appropriate records pending the outcome of the administrative review.

10. The determination by the sponsoring organization's Administrative Review (Appeal) Official is the final administrative determination to be afforded to the provider with no opportunity to appeal to the Connecticut State Department of Education.

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<Sponsoring Organization Name>

NOTIFICATION OF REASONS AND PROCEDURES FOR TERMINATION OF PROVIDERS FROM THE CHILD AND ADULT CARE FOOD PROGRAM (CACFP)

<Sponsoring Organization Name> may terminate the agreement with *<Provider's Name>* to participate in the CACFP for cause or convenience. In the case of “for cause”, termination would be based on the provider’s failure to take timely corrective action to fully and permanently correct a serious deficiency.

Serious deficiencies include:

- Submission of false information on the application (sponsor/provider agreement) (7 CFR §226.16(l)(2)(i)).
- Submission of false claims for reimbursement (7 CFR §226.16(l)(2)(ii)).
- Simultaneous participation under more than one sponsoring organization (7 CFR §226.16(l)(2)(iii)).
- Non-compliance with the Program meal pattern (7 CFR §226.16(l)(2)(iv)).
- Failure to keep required records (7 CFR §226.16(l)(2)(v)).
- Conduct or conditions that threaten the health or safety of a child(ren) in care, or the public health or safety (7 CFR §226.16(l)(2)(vi)).
- A determination that the provider has been convicted of any activity that occurred during the past seven years and that indicated a lack of business integrity. A lack of business integrity includes fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity as defined by the State agency, or the concealment of such a conviction. (7 CFR §226.16(l)(2)(vii)).
- Any other circumstance related to non-performance under the sponsor/provider agreement as specified by the sponsor or the State agency. This may include, but not be limited to, continuous submission of late and/or incomplete claims for reimbursement, failure to comply with civil rights laws, and failure to attend required training (7 CFR §226.16(l)(2)(viii)).

Providers have the right to appeal a proposed action to terminate the agreement or to suspend participation in the CACFP by submitting a written request for an administrative review (appeal) as outlined below.

In the case where the outcome of an administrative review (appeal) upholds the intent to terminate or suspend CACFP participation, the sponsor must immediately terminate the provider’s agreement and disqualify the provider from CACFP.

The names of disqualified providers will be placed on a National disqualified list that will be made available to all state agencies and all CACFP sponsors. Once included on the National Disqualified List, a provider will remain on the list until such time as the State agency determines that the serious deficiency(ies) that led to placement on the list has(ve) been corrected, or until seven years have elapsed since they were disqualified from participation. However, if any debt relating to the serious deficiencies has not been repaid, a provider will remain on the list until the debt has been repaid.

ADMINISTRATIVE REVIEW (APPEAL) PROCEDURES

The following appeal procedures established in accordance with Section 226.6, 226.16 and 226.18 of the Child and Adult Care Food Program regulations, as amended by Public Law 106-224, shall be implemented and will be offered by the sponsor to any provider when the sponsor proposes to terminate its program agreement for cause.

1. The provider will be advised in writing of the grounds on which the sponsor based the Notice of Proposed Termination or the Suspension Notice. The Notice, which will be sent by certified mail, return receipt requested, will include the information detailed in the Statewide Termination Procedures under the *Serious Deficiency Process* and the *Suspension or Participation* sections.
2. A written request for administrative review (appeal) will be filed by the provider within 15 calendar days from the date the provider received the Notice Proposed Termination or Notice Suspension. The provider may retain legal counsel or may be represented by another person. The sponsor will acknowledge the receipt of the request for administrative review (appeal) within 10 calendar days of receipt of the written request. The written request must be addressed to: **<insert the name and address of the agency Administrative Review (Appeal) Official>**.
3. Any information on which the sponsoring organization's action was based will be available to the provider for inspection from the date of receipt of the request for administrative review (appeal).
4. The provider may refute the charges contained in the Notice proposed Termination or Suspension Notice in person or by written documentation to the Administrative Review (Appeal) Official. In order to be considered, written documentation must be filed with the review official within 30 calendar days after the provider received the Notice.
5. If the provider requests a hearing, it will be held by the Administrative Review (Appeal) Official in addition to, or in lieu of, a review of written information submitted by the provider. The sponsoring organization will inform the provider of the time and place of the hearing at least 10 calendar days prior to the hearing. The notice will be sent by certified mail.
6. Failure of a provider or representative to appear at a scheduled hearing will constitute the provider's waiver of the right to a personal appearance before the Administrative Review (Appeal) Official, unless the review official agrees to reschedule the hearing. A representative of the sponsoring organization will be a party to the administrative review to respond to the provider's testimony, present evidence, and to answer questions posed by the Administrative Review (Appeal) Official.
7. The review official will make a determination based on information provided by the sponsoring organization, the provider, and on Federal and State laws, regulations, policies, and procedures governing the Program.

8. Within 60 calendar days of the sponsoring organization's receipt of the request for administrative review (appeal), the Administrative Review (Appeal) Official will inform the sponsoring organization, the provider, and the Connecticut State Department of Education, Office of Child Nutrition of the determination of the review. This timeframe is an administrative requirement for the sponsor and may not be used as a basis for overturning the termination if a decision is not made within the specified timeframe.
9. Participating providers may continue to operate under the Program during an appeal of the Proposed Termination unless the action is based on imminent dangers to the health or welfare of children or when the provider's activities pose a threat to public health or safety. If the proposed termination action is for this reason, the sponsoring organization will so specify in its Notice of Proposed Termination. Program payments will continue for claims (except for health and safety issues previously noted) supported by appropriate records pending the outcome of the administrative review.
10. The determination by the sponsoring organization's Administrative Review (Appeal) Official is the final administrative determination to be afforded to the provider with no opportunity to appeal to the Connecticut State Department of Education.

The above information has been read and understood by the provider as indicated by the signature below.

_____ Provider's Name (print)	_____ Provider's Signature	_____ Date
_____ Sponsor's Name (print)	_____ Sponsor's Signature	_____ Date

SAMPLE LETTER #1

Serious Deficiency Process

Prototype Letter: Serious Deficiency Notice

[Note: This letter must be sent by certified mail/return receipt, an equivalent private delivery service (such as FedEx), fax or e-mail as required by §226.2 (definition of “notice”) in the regulations.]

date

Provider Name

Provider Street Address

Provider City, State 00000

Dear [Provider]:

This letter concerns the [brief description of the basis for the serious deficiency determination – review, parent survey, etc. and date] of your operation of the Child and Adult Care Food Program (CACFP).

SERIOUS DEFICIENCY DETERMINATION

Based on the [review/parent survey/etc.], [insert name of sponsoring organization] has determined that you are seriously deficient in your operation of the CACFP. If you do not fully and permanently correct all of the serious deficiencies and submit documentation of the corrective action by the due date, [insert name of sponsoring organization] will:

- Propose to terminate your agreement to participate in the CACFP for cause, and
- Propose to disqualify you from future CACFP participation.

In addition, if you voluntarily terminate your agreement after receiving this letter, [insert name of sponsoring organization] will propose to disqualify you from future CACFP participation. If disqualified, you will be placed on the National Disqualified List. While on the list, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility. You will remain on the list until such time as the State agency determines that the serious deficiencies have been corrected, or until 7 years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.

These actions are being taken pursuant to section 226.16(l) of the CACFP regulations (7 CFR 226.16(l)).

SERIOUS DEFICIENCIES AND REQUIRED CORRECTIVE ACTION

The following paragraphs detail each serious deficiency and the corrective action required.

[Insert discussion of serious deficiencies and required corrective action. Each serious deficiency discussed must include a citation to the relevant serious deficiency in the regulations at §226.16(l)(2) (if the serious deficiency is not specifically listed, cite §226.16(l)(2)(vii) “any other circumstance related to non-performance under the sponsoring organization-day care home agreement”).]

SUMMARY

[Insert name of sponsoring organization] has determined that you are seriously deficient in your operation of the CACFP. You must provide us documentation that shows you have taken the required corrective action for each of the serious deficiencies cited in this letter. The documentation must be received (not just postmarked) by [corrective action deadline; **may establish different deadlines for different serious deficiencies but must not exceed 30 days**].

Serious Deficiency Process

Prototype Letter: Serious Deficiency Notice

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If *[insert name of sponsoring organization]* does not receive the documentation of your corrective action by the due date, or if it is determined that the actions taken do not fully and permanently correct all of the serious deficiencies, *[insert name of sponsoring organization]* will propose to terminate your CACFP agreement for cause and will propose to disqualify you.

You may not appeal the serious deficiency determination. However, if *[insert name of sponsoring organization]* proposes to terminate your agreement for cause or propose to disqualify you, you will be able to appeal those actions and you will be advised of your appeal rights and the appeal procedures at that time.

You may continue to participate in the CACFP during the corrective action period. *[insert name of sponsoring organization]* will pay any valid claims for reimbursement submitted by you for this period. You must submit the claims by the normal deadline.

[Insert if applicable: “If *[insert name of sponsoring organization]* receives the documentation of your corrective action by the due date and determines that it fully and permanently corrects all of the serious deficiencies, then an unannounced follow-up review will be conducted to verify the adequacy of the corrective action.”] If *[insert name of sponsoring organization]* finds in [insert if applicable: “the follow-up review or”] any subsequent review that any of these serious deficiencies have not been fully and permanently corrected, *[insert name of sponsoring organization]* will immediately propose to terminate your agreement for cause and propose to disqualify you without any further opportunity for corrective action.

Sincerely,

Sponsor Employee Name & Title

cc: State agency

SAMPLE LETTER #2

Serious Deficiency Process

Prototype Letter: Successful Corrective Action, Rescission of Serious Deficiency

[Note: This letter must be sent by certified mail/return receipt, an equivalent private delivery service (such as FedEx), fax or e-mail as required by §226.2 (definition of “notice”) in the regulations.]

date

Provider Name

Provider Street Address

Provider City, State 00000

Dear [Provider]:

This letter concerns the determination in the [date of Serious Deficiency Notice] letter (Serious Deficiency Notice) that you are seriously deficient in your operation of the Child and Adult Care Food Program (CACFP).

[Insert name of sponsoring organization] received the documentation you sent detailing the actions you have taken to correct these serious deficiencies on [date], before the corrective action deadline. **[Insert if applicable: “[Insert name of sponsoring organization] conducted a follow-up review on [date] to verify the adequacy of the corrective actions.”]**

SERIOUS DEFICIENCY DETERMINATION RESCINDED

Based on the review of the documentation **[insert if applicable: “and the [date] follow-up review”]**, [Insert name of sponsoring organization] has determined that you have fully and permanently corrected the serious deficiencies that were cited in the Serious Deficiency Notice. As a result, [Insert name of sponsoring organization] has rescinded the serious deficiency determination as of the date of this letter. This also means that [Insert name of sponsoring organization] will not propose to terminate your agreement for cause based on this serious deficiency finding or propose to disqualify you on that basis.

ADEQUACY OF CORRECTIVE ACTIONS

The following paragraphs describe the results of our review of the corrective action. **[Insert discussion of each serious deficiency and why the corrective action is adequate. Each serious deficiency discussed must include a citation to the relevant serious deficiency in the regulations at §226.16(l)(2) (if the serious deficiency is not specifically listed, cite §226.16(l)(2)(vii) “any other circumstance related to non-performance under the sponsoring organization-day care home agreement”).]**

[Insert if appropriate: [Insert name of sponsoring organization] report on the [date] follow-up review will be provided to you in a separate letter.]

SUMMARY

[Insert name of sponsoring organization] has rescinded the serious deficiency determination. However, if it is found in any subsequent review that any of these serious deficiencies have not been fully and permanently corrected, [Insert name of sponsoring organization] will immediately propose to terminate your agreement for cause and propose to disqualify you without any further opportunity for corrective action.

Sincerely,

Sponsor Employee Name & Title

cc: State agency

SAMPLE LETTER #3

Serious Deficiency Process

Prototype Letter: Notice of Proposed Termination and Proposed Disqualification

[Note: this letter must be sent by certified mail/return receipt, an equivalent private delivery service (such as FedEx), fax or e-mail as required by §226.2 (definition of “notice”) in the regulations.]

date

Provider Name

Provider Street Address

Provider City, State 00000

Dear *[Provider]*:

This letter concerns the determination in the *[date of Serious Deficiency Notice]* letter (Serious Deficiency Notice) that you are seriously deficient in your operation of the Child and Adult Care Food Program (CACFP).

[Insert name of sponsoring organization] received the documentation you sent us detailing the actions you have taken to correct these serious deficiencies on *[date]*, before the corrective action deadline.

[Insert if applicable: “A follow-up review was conducted on *[date]* to verify the adequacy of the corrective actions.”]

Based on *[Insert name of sponsoring organization]* review of the documentation **[insert if applicable: “and the follow-up review”]**, it has been determined that you have not fully and permanently corrected the serious deficiencies that were cited in the Serious Deficiency Notice.

PROPOSED TERMINATION AND PROPOSED DISQUALIFICATION

As a result, *[Insert name of sponsoring organization]* is:

- Proposing to terminate your agreement to participate in the CACFP for cause effective *[date]*, and
- Proposing to disqualify you from future CACFP participation effective *[date]*.

[The effective date for the termination/disqualification must be after the deadline for requesting an appeal. In addition, the effective date for the disqualification should generally be the same as the agreement termination date, and not earlier; otherwise, the provider could be disqualified and ineligible to participate before the agreement is terminated.]

In addition, if you voluntarily terminate your agreement after receiving this letter, *[insert name of sponsoring organization]* will propose to disqualify you from future CACFP participation. If disqualified, you will be placed on the National Disqualified List. While on the list, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility. You will remain on the list until such time as the State agency determines that the serious deficiencies have been corrected, or until 7 years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.

These actions are being taken pursuant to section 226.16(l) of the CACFP regulations (7 CFR 226.16(l)).

STATUS OF SERIOUS DEFICIENCIES

The following paragraphs detail each serious deficiency and its status based on our review of the corrective action documentation **[insert if applicable: “and the *[date]* follow-up review”]**.

Serious Deficiency Process

Prototype Letter: Notice of Proposed Termination and Proposed Disqualification

page 2

[Insert discussion of each serious deficiency and the reasons why corrective action was inadequate (the corrective action may be adequate for some items and not for others; make sure you specify the status of the corrective action for each serious deficiency).

Each serious deficiency discussed must include a citation to the relevant serious deficiency in the regulations at §226.16(l)(2) (if the serious deficiency is not specifically listed, cite §226.16(l)(2)(vii) “any other circumstance related to non-performance under the sponsoring organization-day care home agreement”).]

APPEAL OF PROPOSED TERMINATION AND PROPOSED DISQUALIFICATIONS

You may appeal the proposed termination of your agreement for cause and your proposed disqualification. A copy of the appeal procedures is enclosed. If you decide to appeal the proposed actions, make sure you follow the appeal procedures exactly because the failure to do so could result in the denial of your request for an appeal.

SUMMARY

You have not fully and permanently corrected the serious deficiencies identified in the Serious Deficiency Notice. For this reason, *[insert name of sponsoring organization]* is proposing to terminate your CACFP agreement for cause and proposing to disqualify you.

If you appeal the proposed termination and the proposed disqualification, the proposed actions will not take effect until the hearing official issues a decision on the appeal. If you do not make a timely request for an appeal, your agreement will be terminated for cause on *[date]*. If you do not appeal your proposed disqualification, you will be disqualified from future CACFP participation effective *[date]* and placed on the National Disqualified List.

You may continue to participate in the CACFP until *[termination/disqualification effective date]* or, if you appeal the proposed actions, until the hearing official issues a decision on the appeal. *[Insert name of sponsoring organization]* will pay any valid claims for reimbursement submitted by you for this period. You must submit the claims by the normal deadline.

Sincerely,

Sponsor Employee Name & Title

Enclosure
Appeal Procedures

cc: State agency

SAMPLE LETTER #4

Serious Deficiency Process

Prototype Letter: Rescission of Serious Deficiency, Proposed Termination and Proposed Disqualification (after provider wins appeal)

[Note: This letter must be sent by certified mail/return receipt, an equivalent private delivery service (such as FedEx), fax or e-mail as required by §226.2 (definition of “notice”) in the regulations.]

date

Provider Name

Provider Street Address

Provider City, State 00000

Dear *[Provider]*:

This letter concerns the *[date of Notice of Proposed Termination & Proposed Disqualification]* letter (Notice of Proposed Termination & Proposed Disqualification) which proposed to terminate your agreement to participate in the Child and Adult Care Food Program (CACFP) for cause. In that letter, *[insert name of sponsoring organization]* also proposed to disqualify you from further CACFP participation. These actions were based on the determination in the *[date of Serious Deficiency Notice]* letter (Serious Deficiency Notice) that you are seriously deficient in your operation of the CACFP.

You filed a timely appeal of the proposed termination and proposed disqualification. On *[date of hearing official's decision]*, the Administrative Review Official issued a decision on the appeal. In that decision, both of the proposed actions were overturned.

SERIOUS DEFICIENCY DETERMINATION RESCINDED

As a result, *[insert name of sponsoring organization]* has rescinded the serious deficiency determination as of *[date of review official's decision]* (the date of the Administrative Review Official's decision). *[Insert name of sponsoring organization]* is also rescinding the proposed termination of your agreement for cause and your proposed disqualification as of the same date.

Sincerely,

Sponsor Employee Name & Title

cc: State agency

SAMPLE LETTER #5

Serious Deficiency Process

Prototype Letter: Notice of Termination and Disqualification (after sponsor wins appeal)

[Note: This letter must be sent by certified mail/return receipt, an equivalent private delivery service (such as FedEx), fax or e-mail as required by §226.2 (definition of “notice”) in the regulations.]

date

Provider Name

Provider Street Address

Provider City, State 00000

Dear *[Provider]*:

This letter concerns the *[date of Notice of Proposed Termination & Proposed Disqualification]* letter (Notice of Proposed Termination & Proposed Disqualification), which proposed to terminate your agreement to participate in the Child and Adult Care Food Program (CACFP) for cause. In that letter, *[insert name of sponsoring organization]* also proposed to disqualify you from further CACFP participation. These actions were based on the determination in the *[date of Serious Deficiency Notice]* letter (Serious Deficiency Notice) that you are seriously deficiency in your operation of the CACFP.

You filed a timely appeal of the proposed termination and proposed disqualification. On *[date of appeal official's decision]*, the Administrative Review Official issued a decision on the appeal. In that decision, both of the proposed actions were upheld.

TERMINATION AND DISQUALIFICATION

As a result, *[insert name of sponsoring organization]* is:

- Terminating your agreement to participate in the CACFP for cause effective *[date]*, and
- Disqualifying you from future CACFP participation effective *[date]*.

[The effective date for the disqualifications should generally be the same as the agreement termination date, and not earlier; otherwise, the provider could be disqualified and ineligible to participate before the agreement is terminated.]

In addition, if you voluntarily terminate your agreement after receiving this letter, *[insert name of sponsoring organization]* will propose to disqualify you from future CACFP participation.

Upon disqualification, you will be placed on the National Disqualified List. While on the list, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility. You will remain on the list until such time as the State agency determines that the serious deficiencies have been corrected, or until 7 years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.

These actions are being taken pursuant to section 226.16(l) of the CACFP regulations (7 CFR 226.16(l)).

SUMMARY

[Insert name of sponsoring organization] is terminating your CACFP agreement for cause and disqualifying you. You may not appeal the termination of the agreement for cause or the disqualification. You may continue to participate in the CACFP until *[termination/disqualification effective date]*. Any valid claims for reimbursement submitted by you for this period will be paid. You must submit the claims by the normal deadline.

Serious Deficiency Process for Providers

Prototype Letter: Notice of Termination and Disqualification (after sponsor wins appeal)
page 2

Sincerely,

Sponsor Employee Name & Title

cc: State agency

SAMPLE LETTER #6

Serious Deficiency Process for Providers

Prototype Letter: Notice of Termination and Disqualification (following failure to appeal)

[Note: This letter must be sent by certified mail/return receipt, an equivalent private delivery service (such as FedEx), fax or e-mail as required by §226.2 (definition of “notice”) in the regulations.]

date

Provider Name

Provider Street Address

Provider City, State 00000

Dear *[Provider]*:

This letter concerns the *[date of Notice of Proposed Termination & Proposed Disqualification]* letter (Notice of Proposed Termination & Proposed Disqualification), which proposed to terminate your agreement to participate in the Child and Adult Care Food Program (CACFP) for cause. In that letter, *[insert name of sponsoring organization]* also proposed to disqualify you from further CACFP participation. These actions were based on the determination in the *[date of Serious Deficiency Notice]* letter (Serious Deficiency Notice) that you are seriously deficiency in your operation of the CACFP.

You received the Notice of Proposed Termination & Proposed Disqualification on *[date received]*. You had until *[insert deadline for requesting appeal]* to submit any requests for appeals of the proposed actions. No request for appeals was submitted by that deadline.

TERMINATION AND DISQUALIFICATION

Because the time to request an appeal has now expired, *[insert name of sponsoring organization]* is:

- Terminating your agreement to participate in the CACFP for cause effective *[date]*, and
- Disqualifying you from future CACFP participation effective *[date]*.

[The effective date for the disqualification should generally be the same as the agreement termination date, and not earlier; otherwise, the provider could be disqualified and ineligible to participate before the agreement is terminated.]

In addition, if you voluntarily terminate your agreement after receiving this letter, *[insert sponsoring organization name]* will propose to disqualify you from future CACFP participation.

Upon disqualification, you will be placed on the National Disqualified List. While on the list, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility. You will remain on the list until such time as the State agency determines that the serious deficiencies have been corrected, or until 7 years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.

These actions are being taken pursuant to section 226.16(l) of the CACFP regulations (7 CFR 226.16(l)).

SUMMARY

[Insert sponsoring organization name] is terminating your CACFP agreement for cause and disqualifying you. You may not appeal the termination of the agreement for cause or the disqualification. You may continue to participate in the CACFP until *[termination/disqualification effective date]*. *[Insert sponsoring organization name]* will pay any valid claims for reimbursement submitted by you for this period. You must submit the claims by the normal deadline.

Serious Deficiency Process

Prototype Letter: Notice of Termination and Disqualification (following failure to appeal)

page 2

Sincerely,

Sponsor Employee Name & Title

cc: State agency

SAMPLE LETTER #7

Suspension of Providers

Prototype Combined Serious Deficiency, Suspension, Proposed Termination and Proposed Disqualification Notice; Imminent Threat to Health or Safety

[Note: This letter must be sent by certified mail/return receipt, an equivalent private delivery service (such as FedEx), fax or e-mail as required by §226.2 (definition of “notice”) in the regulations.]

date

Provider Name

Provider Street Address

Provider City, State 00000

Dear *[Provider]*:

This letter concerns the *[brief description of the basis for the serious deficiency determination – review, parent survey, etc. and date]* of your operation of the Child and Adult Care Food Program (CACFP).

SERIOUS DEFICIENCY DETERMINATION

Based on the *[review/parent survey/etc.]*, *[insert name of sponsoring organization]* has determined that you are seriously deficient in your operation of the CACFP.

SUSPENSION

One of the serious deficiencies identified is the imminent threat to the health or safety of CACFP participants or the public (for details, see the description of the serious deficiencies later in this letter). Because of this imminent risk, *[insert name of sponsoring organization]* is suspending your CACFP participation (including all Program payments).

The suspension of CACFP participation (including all Program payments) will take effect on the date of this letter. This action is being taken pursuant to section 226.16(l)(4) of the CACFP regulations (7 CFR 226.16(l)(4)).

PROPOSED TERMINATION AND PROPOSED DISQUALIFICATION

[Insert name of sponsoring organization] is also:

- Proposing to terminate your agreement to participate in the CACFP for cause effective *[date]*, and
- Proposing to disqualify you from future CACFP participation effective *[date]*.

[The effective date for the termination/disqualification must be after the deadline for requesting an appeal. In addition, the effective date for the disqualifications should generally be the same as the agreement termination date, and not earlier; otherwise, the provider could be disqualified and ineligible to participate before the agreement is terminated.]

In addition, if you voluntarily terminate your agreement after receiving this letter, *[Insert name of sponsoring organization]* will propose to disqualify you from future CACFP participation. If disqualified, you will be placed on the National Disqualified List. While on the list, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility. You will remain on the list until such time as the State agency determines that the serious deficiencies have been corrected, or until 7 years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.

Suspension of Providers

Prototype Combined Serious Deficiency, Suspension, Proposed Termination and Proposed Disqualification Notice; Imminent Threat to Health or Safety

page 2

These actions are being taken pursuant to section 226.16(l)(4) of the CACFP regulations (7 CFR 226.16(l)(4)).

SERIOUS DEFICIENCIES

The following paragraphs detail each serious deficiency.

[Insert discussion of serious deficiencies. Each serious deficiency discussed must include a citation to the relevant serious deficiency in the regulations at §226.16(l)(2) (if the serious deficiency is not specifically listed, cite §226.16(l)(2)(vii) “any other circumstance related to non-performance under the sponsoring organization-day care home agreement”).]

APPEAL OF SUSPENSION, PROPOSED TERMINATION AND PROPOSED SUSPENSIONS

You may appeal the suspension, the proposed termination of your agreement for cause and your proposed disqualification. A copy of the appeal procedures is enclosed. If you decide to appeal the suspension or the proposed actions, make sure you follow the appeal procedures exactly because the failure to do so could result in the denial of your request for an appeal.

SUMMARY

[Insert name of sponsoring organization] is suspending your CACFP participation (including all Program payments). In addition, [insert name of sponsoring organization] is proposing to terminate your agreement for cause and proposing to disqualify you.

The suspension will remain in effect during the period of any appeal. However, if you request an appeal and the Administrative Review Official overturns the suspension, any valid claims for reimbursement submitted by you for the period of the suspension will be paid. As always, [insert name of sponsoring organization] will deny any portion of a claim that is determined to be invalid.

If you appeal the proposed termination and the proposed disqualification, the proposed actions will not take effect until the Administrative Review Official issues a decision on the appeals. If you do not make a timely request for an appeal, your agreement will be terminated for cause on [date]. If you do not appeal your proposed disqualification, you will be disqualified from future CACFP participation effective [date] and placed on the National Disqualified List.

Sincerely,

Sponsor Employee Name & Title

Enclosure
Appeal Procedures

cc: State agency

SAMPLE LETTER #8

Suspension of Providers

Prototype Letter: Rescission of Serious Deficiency, Suspension, Proposed Termination and Proposed Disqualification: Imminent Threat to Health or Safety (after provider wins appeal)

[Note: You must send this letter by certified mail/return receipt, an equivalent private delivery service (such as FedEx), fax or e-mail as required by §226.2 (definition of “notice”) in the regulations.]

date

Provider Name

Provider Street Address

Provider City, State 00000

Dear *[Provider]*:

This letter concerns the *[date of Combined Notice]* letter, which suspended your participation in the Child and Adult Care Food Program (CACFP). In that letter, *[insert name of sponsoring organization]* also proposed to terminate your CACFP agreement for cause and proposed to disqualify you from further CACFP participation. These actions were based on the determination in the *[date of Combined Notice]* letter (Serious Deficiency Notice) that you are seriously deficient in your operation of the CACFP.

You filed a timely appeal of the suspension, proposed termination and proposed disqualification. On *[date of appeal official's decision]*, the Administrative Review Official issued a decision on all of the appeals. In that decision, the suspension and both of the proposed actions were overturned.

SERIOUS DEFICIENCY DETERMINATION, SUSPENSION, PROPOSED TERMINATION AND PROPOSED DISQUALIFICATION RESCINDED

As a result, *[insert name of sponsoring organization]* has rescinded the serious deficiency determination as of *[date of hearing official's decision]* (the date of the Administrative Review Official's decision). *[Insert name of sponsoring organization]* is also rescinding the suspension, the proposed termination of your agreement for cause and your proposed disqualification as of the same date.

Any valid claims for reimbursement submitted by you for the period of the suspension will be paid. You must submit these claims by *[insert a date that will give the provider an appropriate length of time to submit these claims]*.

Sincerely,

Sponsor Employee Name & Title

cc: State agency

SAMPLE LETTER #9

Suspension of Providers

Prototype Letter: Notice of Termination and Disqualification: Imminent Threat to Health or Safety (after sponsor wins appeal)

[Note: This letter must be sent by certified mail/return receipt, an equivalent private delivery service (such as FedEx), fax or e-mail as required by §226.2 (definition of “notice”) in the regulations.]

date

Provider Name

Provider Street Address

Provider City, State 00000

Dear *[Provider]*:

This letter concerns the *[date of Combined Notice]* letter, which suspended your participation in the Child and Adult Care Food Program (CACFP). In that letter, *[insert name of sponsoring organization]* also proposed to terminate your CACFP agreement for cause and proposed to disqualify you from further CACFP participation. These actions were based on the determination in the *[date of Combined Notice]* letter (Serious Deficiency Notice) that you are seriously deficient in your operation of the CACFP.

You filed a timely appeal of the suspension, proposed termination and proposed disqualification. On *[date of appeal official's decision]*, the Administrative Review Official issued a decision on all of the appeals. In that decision, the suspension and both of the proposed actions were upheld.

TERMINATION AND DISQUALIFICATION

As a result of this decision, *[insert name of sponsoring organization]* is:

- Terminating your agreement to participate in the CACFP for cause effective on the date of this letter, and
- Disqualifying you from future CACFP participation effective on the date of this letter.

[Because the institution has already been suspended, the termination should be made effective on the date of this letter. The effective date for the disqualification should generally be the same as the agreement termination date, and not earlier; otherwise, the provider could be disqualified and ineligible to participate before the agreement is terminated.]

In addition, if you voluntarily terminate your agreement after receiving this letter, *[insert name of sponsoring organization]* will propose to disqualify you from future CACFP participation.

Upon disqualification, you will be placed on the National Disqualified List. While on the list, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility. You will remain on the list until such time as the State agency determines that the serious deficiencies have been corrected, or until 7 years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.

These actions are being taken pursuant to section 226.16(l)(4) of the CACFP regulations (7 CFR 226.16(l)(4)).

Suspension of Providers

**Prototype Letter: Notice of Termination and Disqualification: Imminent Threat to Health or Safety
(after sponsor wins appeal)**

page 2

SUMMARY

[*Insert name of sponsoring organization*] is terminating your CACFP agreement for cause and disqualifying you. You may not appeal the termination of your agreement for cause or your disqualification.

Sincerely,

Sponsor Employee Name & Title

cc: State agency

SAMPLE LETTER #10

Suspension of Providers

Prototype Letter: Notice of Termination and Disqualification: Imminent Threat to Health or Safety (following failure to appeal)

[Note: You must send this letter by certified mail/return receipt, an equivalent private delivery service (such as FedEx), fax or e-mail as required by §226.2 (definition of “notice”) in the regulations.]

date

Provider Name

Provider Street Address

Provider City, State 00000

Dear *[Provider]*:

This letter concerns the *[date of Combined Notice]* letter, which suspended your participation in the Child and Adult Care Food Program (CACFP). In that letter, *[insert name of sponsoring organization]* also proposed to terminate your CACFP agreement for cause and proposed to disqualify you from further CACFP participation. These actions were based on the determination in our *[date of Combined Notice]* letter (Serious Deficiency Notice) that you are seriously deficient in your operation of the CACFP.

You received the *[date of Combined Notice]* letter on *[date received]*. You had until *[insert deadline for requesting appeal]* to submit any request for an appeal of the proposed actions. No request for an appeal was submitted by that deadline.

TERMINATION AND DISQUALIFICATION

Because the time to request an appeal has now expired, *[insert name of sponsoring organization]* is:

- Terminating your agreement to participate in the CACFP for cause effective on the date of this letter, and
- Disqualifying you from future CACFP participation effective on the date of this letter.

[Because the institution has already been suspended, the termination should be made effective on the date of this letter. The effective date for the disqualification should generally be the same as the agreement termination date, and not earlier; otherwise, the provider could be disqualified and ineligible to participate before the agreement is terminated.]

Upon disqualification, you will be placed on the National Disqualified List. While on the list, you will not be able to participate in the CACFP as a day care home provider. In addition, you will not be able to serve as a principal in any CACFP institution or facility. You will remain on the list until such time as the State agency determines that the serious deficiencies have been corrected, or until 7 years after your disqualification. However, if any debt relating to the serious deficiencies has not been repaid, you will remain on the list until the debt has been repaid.

These actions are being taken pursuant to section 226.16(l)(4) of the CACFP regulations (7 CFR 226.16(l)(4)).

Suspension of Providers

**Prototype Letter: Notice of Termination and Disqualification: Imminent Threat to Health or Safety
(following failure to appeal)**

page 2

SUMMARY

[*Insert name of sponsoring organization*] is terminating your CACFP agreement for cause and disqualifying you. You may not appeal the termination of your agreement for cause or your disqualification.

Sincerely,

Sponsor Employee Name & Title

cc: State agency